REMARKS

Reconsideration and allowance of the claims are requested in view of the above the previous amendments and following remarks. Claim 4 has been canceled without prejudice or disclaimer. Claims 1, 7, 13, 14, 18-20, 23, 24, 31 and 36 have been amended. Claims 1-3, and 5-6 are pending in the present application, with claims 1, 13 and 24 being independent.

Double Patenting

The Office Action has provisionally rejected claims 1-36 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims in copending US. Patent Applications No. 10/690,422, 10/849,090, and 10/994,010. Applicants intend to file a terminal disclaimer when the double patenting rejection becomes final and when the claims of the present application are allowed.

Rejections Under 35 U.S.C. §103

The Office Action rejects claims 1, 3-8, 13, 14, 16-19, 24, 25, 25, 32-36 under 35 U.S.C. § 103(a) as being unpatentable over Bandini et al. (U.S. Patent 7,117,358) in view of Mastrianni (U.S. Publication No. 200200116641). In addition, the Office Action rejects claims 2, 9-12, 15, 20-23, 26-31 under 35 U.S.C. § 103(a) as being unpatentable over Bandini et al. in view of Mastrianni and further in view of Lewis et al. (U.S. Publication No. 20030109248). Applicants respectfully request reconsideration of the rejection for at least the following reasons.

Claims 1

As amended, Claim 1 recites:

a plurality of servers that receive e-mail messages for a plurality of different remotely located clients, the plurality of servers being part of a distributed network;

a plurality of packet sniffers, wherein each of the packet sniffers in the plurality of packet sniffers corresponds to and resides in a different server in the plurality of servers, wherein each

packet sniffer in the plurality of packet sniffers is configured to extract originating IP addresses associated with e-mail messages that are communicated to the clients over the distributed network;

a central monitor that communicates over the distributed network with the plurality of packet sniffers and that monitors data regarding the originating IP addresses, wherein the central monitor is configured to determine whether traffic from an originating IP address has exceeded a threshold value, the central monitor being further configured to generate a response to detect spam e-mail messages if the threshold value has been exceeded; and

a server in which the central monitor resides, wherein the server is located separate from each of the packet sniffers in the plurality of packet sniffers in the distributed network.

The Office Action cites Bandini's e-mail relay (46) as disclosing a packet sniffer, and Bandinni's email server (40) as disclosing one or more of the plurality of email servers as claimed. However, the Office Action fails to show how Bandini teaches a central monitor as claimed in the present application.

Furthermore, the semantic engine disclosed in Mastrianni does not cure this deficiency. The Office Action relies on the semantic engine of Mastrianni. However, the semantic engine (304) of Mastrianni is located the client computer, not at the email server. This is apparent in the diagram of Figure 3, where the semantic engine (304) is part of the email filter (300), which connects via a network connection (302) to a mail server. In addition, the flow chart of Figure 4 shows that at step (402) an email is received from the server, and at step (404) the email is filtered through the semantic engine. *See*, Mastrianni, Figures 3 and 4. Therefore, the semantic engine (304) of Mastrianni does not anticipate a central monitor in a separate server that communicates with a plurality of packet sniffers.

Thus, the semantic engine (304) as disclosed by Mastrianni does not anticipate or provide the functionality of a "central monitor that communicates with the plurality of packet sniffers and that central monitors data regarding the originating IP addresses, wherein the central monitor is configured to determine whether traffic from an originating IP address has exceeded a threshold

value, the central monitor being further configured to generate a response to detect spam e-mail messages if the threshold value has been exceeded."

Furthermore, the Office Action indicates that Mastrianni discloses wherein: [sic]

....

b) the central monitors data regarding the originating IP addresses, determines whether traffic from an originating IP address has exceeded a threshold value. (see Mastrianni paragraph [0007], lines 5-7; paragraph [0020], lines 12-17; paragraph [0038], lines 1-2: originating IP addresses used for email processing)."

As taught by Mastrianni, the semantic engine assigns weights to objectionable words. The threshold value in Mastrianni refers to values of weights to words in email content, and not "whether traffic from an originating IP address has exceeded a threshold value." The threshold value in the present application refers to email traffic. Therefore, Mastrianni does not teach "a central monitor that communicates with the plurality of packet sniffers and that monitors data regarding the originating IP addresses, wherein the central monitor is configured to determine whether traffic from an originating IP address has exceeded a threshold value, the central monitor being further configured to generate a response to detect spam e-mail messages if the threshold value has been exceeded." Accordingly, Bandini et al. and Mastrianni, alone or in combination, does not disclose a central monitor as disclosed in the present application.

Claims 13 and 24

Claims 13 and 24 further disclose a central monitor that "configured to generate a response to detect spam e-mail messages if the threshold value has been exceeded" and Claim 24 discloses "generating, at a central monitor, a response for use in detecting spam e-mail messages if the threshold value has been exceeded." Bandini et al. and Mastrianni do not disclose the generation of a response at the central monitor as disclosed in the present application. Bandini

teaches an e-mail relay 46 which is "adapted to [. . .] generate a special message to the intended recipient indicating that the e-mail message has been diverted." *See*, Bandini, Column 3, Lines 60-65. However, as disclosed in Bandini, it is the e-mail relay 46 (cited to anticipate packet sniffers) that generates a special message, not a central monitor. Thus, Bandini et al. and Mastrianni fail to teach a response generated at the central monitor.

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Therefore, since Bandini et al. and Mastrianni, alone or in combination, fail to disclose or suggest all of the elements of claims 1, 13 and 24, these claims are allowable. Furthermore, claims 2-12 depend from claim 1. Claims 14-23 depend from claim 13. Claims 25-36 depend from claim 24. As discussed above, claims 1, 13 and 24, are allowable over Bandini et al. and Mastrianni. For at least this reason, and the additional features recited therein, claims 2-12, 14-23 and 25-36 are also allowable. For at least the reasons above, reconsideration and withdrawal of the rejection of claims 1-36 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art cited and that all the rejections to the claims have been overcome. Based on the foregoing, applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

Microsoft Corporation

Date: March 21, 2008

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Date

/Noemi Tovar/
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